

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11853-PBS**

Securities and Exchange Commission v. Biopure
Corporation et al
Assigned to: Judge Patti B. Saris
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 09/14/2005
Jury Demand: Both
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Date Filed	#	Docket Text
09/14/2005	<u>1</u>	COMPLAINT against Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober , filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Part 2# <u>2</u> Civil Cover Sheet)(Bell, Marie) (Entered: 09/15/2005)
09/14/2005		Summons Issued as to Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Bell, Marie) (Entered: 09/15/2005)
09/14/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Bell, Marie) (Entered: 09/15/2005)
09/20/2005	<u>2</u>	NOTICE of Appearance by Thomas J. Dougherty on behalf of Jane Kober (Dougherty, Thomas) (Entered: 09/20/2005)
09/20/2005	<u>3</u>	NOTICE of Appearance by Justin J. Daniels on behalf of Jane Kober (Daniels, Justin) (Entered: 09/20/2005)
09/21/2005		Letter sent to Attorney Justin J. Daniels advising of inactive status in the Bar of this Court. Notice, reregistration and ECF application included. (Bell, Marie) (Entered: 09/21/2005)
09/21/2005	<u>4</u>	NOTICE of Appearance by Mary P. Cormier on behalf of Howard Richman (Cormier, Mary) (Entered: 09/21/2005)
09/22/2005	<u>5</u>	NOTICE of Appearance by John D. Hughes on behalf of Howard Richman (Hughes, John) (Entered: 09/22/2005)
09/22/2005	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice by Cathy A. Fleming by Howard Richman.(Cormier, Mary) (Entered: 09/22/2005)
09/22/2005	<u>7</u>	AFFIDAVIT in Support re <u>6</u> MOTION for Leave to Appear Pro Hac Vice by Cathy A. Fleming <i>for Defendant Howard Richman</i> . (Cormier, Mary) (Entered: 09/22/2005)
09/22/2005	<u>8</u>	NOTICE of Appearance by Bernard J. Bonn, III on behalf of Thomas Moore (Bonn, Bernard) (Entered: 09/22/2005)
09/22/2005	<u>9</u>	NOTICE of Appearance by Erica L. Hovani on behalf of Thomas Moore (Hovani, Erica) (Entered: 09/22/2005)

09/26/2005	<u>10</u>	SUMMONS Returned Executed Jane Kober served on 9/15/2005, answer due 10/5/2005. (Bell, Marie) (Entered: 09/27/2005)
09/26/2005	<u>11</u>	SUMMONS Returned Executed Howard Richman served on 9/19/2005, answer due 10/11/2005. (Bell, Marie) (Entered: 09/27/2005)
09/26/2005	<u>12</u>	SUMMONS Returned Executed Thomas Moore served on 9/15/2005, answer due 10/5/2005. (Bell, Marie) (Entered: 09/27/2005)
09/26/2005	<u>13</u>	SUMMONS Returned Executed Biopure Corporation served on 9/15/2005, answer due 10/5/2005. (Bell, Marie) (Entered: 09/27/2005)
09/27/2005		Filing fee: \$ 50.00, receipt number 67132 regarding Motion Pro Hac Vice (Bell, Marie) (Entered: 09/28/2005)
10/11/2005	<u>14</u>	ANSWER to Complaint with Jury Demand <i>and Affirmative Defenses</i> by Jane Kober.(Dougherty, Thomas) (Entered: 10/11/2005)
10/11/2005	<u>15</u>	ANSWER to Complaint with Jury Demand by Thomas Moore.(Bonn, Bernard) (Entered: 10/11/2005)
10/11/2005	<u>16</u>	NOTICE of Appearance by Anthony E. Fuller on behalf of all defendants (Fuller, Anthony) (Entered: 10/11/2005)
10/11/2005	<u>17</u>	CORPORATE DISCLOSURE STATEMENT by Biopure Corporation. (Fuller, Anthony) (Entered: 10/11/2005)
10/11/2005	<u>18</u>	ANSWER to Complaint with Jury Demand <i>and Affirmative Defenses</i> by Biopure Corporation.(Fuller, Anthony) (Entered: 10/11/2005)
10/11/2005	<u>19</u>	ANSWER to Complaint with Jury Demand by Howard Richman. (Cormier, Mary) (Entered: 10/11/2005)
10/12/2005		Judge William G. Young : ElectronicORDER entered granting <u>6</u> Motion for Leave to Appear Pro Hac Vice Added Cathy A. Fleming for Howard Richman. cc/cl. (Bell, Marie) (Entered: 10/12/2005)
10/12/2005		Notice of correction to docket made by Court staff. Correction: Document #16-Notice of Appearance corrected because: Atty. Fuller is counsel for Biopure Corporation ONLY. (Bell, Marie) (Entered: 10/12/2005)
10/13/2005	<u>20</u>	NOTICE of Appearance by Robert A. Buhlman on behalf of Biopure Corporation (Buhlman, Robert) (Entered: 10/13/2005)
10/13/2005	<u>21</u>	NOTICE of Appearance by Michael D. Blanchard on behalf of Biopure Corporation (Blanchard, Michael) (Entered: 10/13/2005)
10/14/2005	<u>22</u>	NOTICE of Scheduling Conference Scheduling Conference set for 11/14/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 10/14/2005)
10/14/2005		Notice Resetting or Cancelling Hearing. Hearing cancelled: SCHEDULING CONFERENCE due to the fact that Bingham McCutcheon has an appearance in this case. Judge Young recuses

		himself from cases where Bingham McCutcheon represent any party. An order of recusal will issue and the case will be reassigned. (Smith, Bonnie) (Entered: 10/14/2005)
10/14/2005	<u>23</u>	Judge William G. Young : ORDER OF RECUSAL entered. (Bell, Marie) (Entered: 10/14/2005)
10/14/2005	<u>24</u>	Notice of Reassignment. Judge Patti B. Saris added. Judge William G. Young no longer assigned to case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. cc/cl. (Bell, Marie) (Entered: 10/17/2005)
10/17/2005	<u>25</u>	NOTICE of Scheduling Conference Scheduling Conference set for 11/22/2005 03:30 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 10/19/2005)
10/24/2005	<u>26</u>	NOTICE of Appearance by Ellen E Bober on behalf of Securities and Exchange Commission (Bober, Ellen) Additional attachment(s) added on 10/27/2005 (Patch, Christine). (Entered: 10/24/2005)
10/31/2005	<u>27</u>	Joint MOTION to Expedite <i>Shorten Response Time To Requests For Admission And To Expedite Summary Judgment Hearing</i> by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober.(Blanchard, Michael) (Entered: 10/31/2005)
10/31/2005	<u>28</u>	MEMORANDUM in Support re <u>27</u> Joint MOTION to Expedite <i>Shorten Response Time To Requests For Admission And To Expedite Summary Judgment Hearing</i> filed by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Blanchard, Michael) (Entered: 10/31/2005)
11/10/2005	<u>29</u>	Opposition re <u>27</u> Joint MOTION to Expedite <i>Shorten Response Time To Requests For Admission And To Expedite Summary Judgment Hearing</i> filed by Securities and Exchange Commission. (Roffman, Ian) (Entered: 11/10/2005)
11/10/2005	<u>30</u>	NOTICE of Appearance by Edward P. Leibensperger on behalf of Thomas Moore (Leibensperger, Edward) (Entered: 11/10/2005)
11/10/2005	<u>31</u>	NOTICE of Appearance by Jeffrey S. Huang on behalf of Thomas Moore (Huang, Jeffrey) (Entered: 11/10/2005)
11/10/2005	<u>32</u>	NOTICE of Withdrawal of Appearance by Erica L. Hovani (Hovani, Erica) (Entered: 11/10/2005)
11/11/2005	<u>33</u>	NOTICE of Withdrawal of Appearance by Bernard J. Bonn, III (Bonn, Bernard) (Entered: 11/11/2005)
11/16/2005	<u>34</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by Securities and Exchange Commission.(Roffman, Ian) (Entered: 11/16/2005)
11/16/2005	<u>35</u>	First CERTIFICATION pursuant to Local Rule 16.1 (D)(3) by Biopure Corporation.(Fuller, Anthony) (Entered: 11/16/2005)
11/16/2005	<u>36</u>	CERTIFICATION pursuant to Local Rule 16.1 by Jane Kober.

		(Dougherty, Thomas) (Entered: 11/16/2005)
11/17/2005	<u>37</u>	CERTIFICATION pursuant to Local Rule 16.1 by Thomas Moore. (Leibensperger, Edward) (Entered: 11/17/2005)
11/17/2005	<u>38</u>	MEMORANDUM OF LAW by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober to <u>34</u> Joint submission. (Fuller, Anthony) (Entered: 11/17/2005)
11/17/2005	<u>39</u>	CERTIFICATION pursuant to Local Rule 16.1 by Howard Richman. (Cormier, Mary) (Entered: 11/17/2005)
11/18/2005	<u>40</u>	Assented to MOTION for Leave to Appear Pro Hac Vice by Bobby R. Burchfield and Jason A. Levine by Thomas Moore.(Huang, Jeffrey) (Entered: 11/18/2005)
11/18/2005		Filing fee: \$ 100.00, receipt number 68338 regarding Motion for Leave to Appear Pro Hac Vice by Bobby R. Burchfield and Jason A. Levine (Patch, Christine) (Entered: 11/28/2005)
11/22/2005		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris: Scheduling Conference held on 11/22/2005. Court sets discovery and motion filing schedule. Summary Judgment Hearing/Motions in Limine Hearing/Final Pretrial Conference set for 4/26/06 at 2:00 p.m. Jury Trial set for 5/8/06 at 9:00 a.m. Parties to notify Court by December 2, 2005, as to whether they wish to participate in mediation. Scheduling Order to issue. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 11/22/2005)
11/22/2005	<u>42</u>	Judge Patti B. Saris : ORDER entered. SCHEDULING ORDER: Fact Discovery to be completed by 4/14/2006. Plaintiff's expert designation deadline: 2/14/06; Defendant's expert designation deadline: 3/14/06. Summary Judgment Motion due by 4/1/2006; opposition due by 4/14/06. Motions in Limine due by 4/19/06; opposition due by 4/26/06. Hearing on Summary Judgment/ Pretrial Conference set for 4/26/2006 02:00 PM in Courtroom 19 before Judge Patti B. Saris. Jury Trial set for 5/8/2006 09:00 AM in Courtroom 19 before Judge Patti B. Saris.(Patch, Christine) (Entered: 11/28/2005)
11/23/2005	<u>41</u>	Judge Patti B. Saris : ORDER entered. PRETRIAL ORDER: Final Pretrial Conference set for 4/26/2006 02:00 PM in Courtroom 19 before Judge Patti B. Saris. Jury Trial set for 5/8/2006 09:00 AM in Courtroom 19 before Judge Patti B. Saris.(Patch, Christine) (Entered: 11/28/2005)
11/28/2005	<u>43</u>	NOTICE of Appearance by R. Daniel O'Connor on behalf of Securities and Exchange Commission (O'Connor, R.) (Entered: 11/28/2005)
11/28/2005		Judge Patti B. Saris : Electronic ORDER entered granting <u>40</u> Motion for Leave to Appear Pro Hac Vice Added Bobby R. Burchfield for Thomas Moore, Jason A. Levine for Thomas Moore (Patch, Christine) (Entered: 11/28/2005)
11/28/2005		Judge Patti B. Saris : Electronic ORDER entered finding as moot <u>27</u> Motion to Shorten Response Time to Requests for Admission and to

		Expedite Summary Judgment Hearing. (Patch, Christine) (Entered: 11/28/2005)
12/02/2005	<u>44</u>	Letter to Judge Saris from Ian D. Roffman informing the Commission is willing to participate in non-binding mediation of this matter with a mediator acceptable to all parties. (Patch, Christine) (Entered: 12/08/2005)
12/06/2005	<u>45</u>	Letter to Judge Saris from Robert A. Buhlman stating that the defendants are willing to mediate this case in a non-binding mediation. (Patch, Christine) (Entered: 12/08/2005)
12/21/2005	<u>46</u>	Joint MOTION for Partial Summary Judgment by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober.(Buhlman, Robert) (Entered: 12/21/2005)
12/21/2005	<u>47</u>	MEMORANDUM in Support re <u>46</u> Joint MOTION for Partial Summary Judgment filed by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Buhlman, Robert) (Entered: 12/21/2005)
12/21/2005	<u>48</u>	APPENDIX/EXHIBIT re <u>47</u> Memorandum in Support of Motion <i>For Partial Summary Judgment</i> by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u>)(Buhlman, Robert) (Entered: 12/21/2005)
12/21/2005	<u>49</u>	STATEMENT of facts <i>Pursuant To Local Rule 56.1.</i> (Buhlman, Robert) (Entered: 12/21/2005)
12/21/2005	<u>50</u>	AFFIDAVIT of Robert A. Buhlman by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F) (Buhlman, Robert) (Entered: 12/21/2005)
12/23/2005	<u>51</u>	MOTION for Extension of Time to April 14, 2006 or, in the alternative, no earlier than January 31, 2006 to File Response/Reply as to <u>46</u> Joint MOTION for Partial Summary Judgment <i>and for Expedited Consideration of this Request</i> by Securities and Exchange Commission. (Roffman, Ian) (Entered: 12/23/2005)
12/28/2005		Judge Patti B. Saris : Electronic ORDER entered re <u>51</u> Motion for Extension of Time to File Response re <u>46</u> Joint MOTION for Partial Summary Judgment. Responses due by 1/31/2005. "At the very least, the Court will permit an opposition to be filed on 1/31/05. The Court will give defendants an opportunity to respond to this motion before ruling on the request for a continuance until April." (Patch, Christine) (Entered: 12/29/2005)
12/29/2005	<u>52</u>	NOTICE of Withdrawal of Appearance by Anthony E. Fuller (Fuller, Anthony) (Entered: 12/29/2005)
12/30/2005	<u>53</u>	Opposition re <u>51</u> MOTION for Extension of Time to April 14, 2006 or, in the alternative, no earlier than January 31, 2006 to File Response/Reply as to <u>46</u> Joint MOTION for Partial Summary Judgment <i>and for Expedited Consideration of this Request</i> filed by Biopure

		Corporation, Thomas Moore, Howard Richman, Jane Kober. (Attachments: # 1 Exhibit A)(Buhlman, Robert) (Entered: 12/30/2005)
01/06/2006	<u>54</u>	MOTION to Compel <i>Defendants to Admit or Deny Matters Set Forth in the Commission's Requests For Admission</i> by Securities and Exchange Commission.(Roffman, Ian) (Entered: 01/06/2006)
01/06/2006	<u>55</u>	MEMORANDUM in Support re <u>54</u> MOTION to Compel <i>Defendants to Admit or Deny Matters Set Forth in the Commission's Requests For Admission</i> filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit Exhibits A-E# 2 Exhibit Exhibits F-I)(Roffman, Ian) (Entered: 01/06/2006)
01/09/2006		Judge Patti B. Saris : Electronic ORDER entered re <u>51</u> Motion for Extension of Time to File Response re <u>46</u> Joint MOTION for Partial Summary Judgment. Responses due by 1/31/2006. "The extension is until 1/31/06, not until 4/14/06." (Patch, Christine) (Entered: 01/10/2006)
01/10/2006		Reopen Document <u>51</u> MOTION for Extension of Time to April 14, 2006 or, in the alternative, no earlier than January 31, 2006 to File Response/Reply as to <u>46</u> Joint MOTION for Partial Summary Judgment <i>and for Expedited Consideration of this Request</i> (Patch, Christine) (Entered: 01/10/2006)
01/10/2006	<u>56</u>	NOTICE issued to Attorney Bobby Burchfield, Cathy Fleming, and Jason Levine regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Patch, Christine) (Entered: 01/10/2006)
01/10/2006	<u>57</u>	MOTION To Preclude FDA Evidence From The Trial Of This Matter by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Dougherty, Thomas) (Entered: 01/10/2006)
01/10/2006	<u>58</u>	MEMORANDUM in Support re <u>57</u> MOTION To Preclude FDA Evidence From The Trial Of This Matter filed by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Attachments: # 1 Tab A# 2 Tab B# 3 Tab C# 4 Tab D)(Dougherty, Thomas) (Entered: 01/10/2006)
01/20/2006	<u>59</u>	NOTICE by Securities and Exchange Commission re <u>54</u> MOTION to Compel <i>Defendants to Admit or Deny Matters Set Forth in the Commission's Requests For Admission to Withdraw Motion as to Defendant Moore</i> (Roffman, Ian) (Entered: 01/20/2006)
01/20/2006	<u>60</u>	Assented to MOTION for Extension of Time to January 24, 2006 to File Opposition to the Security and Exchange Commission's Motion to Compel by Biopure Corporation, Howard Richman, Jane Kober. (Buhlman, Robert) (Entered: 01/20/2006)
01/23/2006		Judge Patti B. Saris: Electronic ORDER entered granting <u>60</u> Assented to MOTION for Extension of Time to January 24, 2006 to File Opposition to the Security and Exchange Commission's Motion to Compel. (Alba, Robert) (Entered: 01/23/2006)

01/23/2006		Motions terminated: <u>54</u> MOTION to Compel <i>Defendants to Admit or Deny Matters Set Forth in the Commission's Requests For Admission</i> filed by Securities and Exchange Commission,. (Patch, Christine) (Entered: 01/23/2006)
01/23/2006	<u>61</u>	NOTICE by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober <i>Of Opinion And Order Regarding Biopure Corporation's Motion To Compel FDA Compliance With Federal Subpoenas</i> (Attachments: # <u>1</u> Tab 1)(Dougherty, Thomas) (Entered: 01/23/2006)
01/23/2006	<u>62</u>	Opposition re <u>57</u> MOTION To Preclude FDA Evidence From The Trial Of This Matter filed by Securities and Exchange Commission. (Roffman, Ian) (Entered: 01/23/2006)
01/24/2006	<u>63</u>	MOTION for Extension of Time to January 31, 2006 to File Opposition to the Securities and Exchange Commission's Motion to Compel by Biopure Corporation, Howard Richman, Jane Kober.(Buhman, Robert) (Entered: 01/24/2006)
01/24/2006	<u>64</u>	Assented to MOTION for Leave to File <i>Reply Memorandum Of Law In Support Of Defendants' Motion To Preclude FDA Evidence From The Trial Of This Matter</i> by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Attachments: # <u>1</u> [Proposed] Reply Memorandum)(Dougherty, Thomas) (Entered: 01/24/2006)
01/25/2006		Judge Patti B. Saris: Electronic ORDER entered granting <u>63</u> MOTION for Extension of Time to January 31, 2006 to File Opposition to the Securities and Exchange Commission's Motion to Compel by Biopure Corporation, Howard Richman, Jane Kober. (Alba, Robert) (Entered: 01/25/2006)
01/25/2006		Judge Patti B. Saris : Electronic ORDER entered granting <u>64</u> Motion for Leave to File a Reply Memorandum of Law in Support of Defendants' Motion to Preclude FDA Evidence from the Trial of this Matter. Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. (Patch, Christine) (Entered: 01/25/2006)
01/25/2006	<u>65</u>	REPLY to Response to Motion re <u>57</u> MOTION To Preclude FDA Evidence From The Trial Of This Matter filed by Biopure Corporation, Thomas Moore, Howard Richman, Jane Kober. (Dougherty, Thomas) (Entered: 01/25/2006)
01/26/2006	<u>66</u>	Assented to MOTION for Leave to File <i>a Surreply in Opposition to Defendants' Motion to Preclude FDA Evidence from the Trial of this Matter</i> by Securities and Exchange Commission.(Roffman, Ian) (Entered: 01/26/2006)

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